ORDINANCE NO. 95-14

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE 2010 FUTURE LAND USE ATLAS SERIES OF THE LAND USE ELEMENT; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES OF PALM BEACH COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides for land use amendments related to small scale development activity to be made by local governments prior to submittal to the State Planning Agency for review and compliance; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on March 24, 1995, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made a recommendation regarding the proposed amendment to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 27, 1995, to review the recommendations of the Local Planning Agency; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendment complies with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendment to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

An Amendment to the Land Use Element's Future Land Use Atlas of the Palm Beach County 1989 Comprehensive Plan, is hereby adopted as follows:

A. Future Land Use Atlas page 94 is amended as follows:

Application No.:	SCA 95-2
Amendment:	From .47 of an acre of Low Residential 3 (LR-3) to Commercial Low with an underlying Low Residential 3 (CL/3).
General Location:	123 feet north of the northwest corner of Woolbright Road and Military Trail (a map is attached to this Ordinance as Exhibit 1).
Size:	.47 of an acre
Legal description:	

The South 55 feet of the following parcel:

Commencing at the point of intersection of the west right-of-way line of Military Trail (State Route 809) and the North line of said Section 35; thence West along the North boundary line of said Section 35, a distance of 400 feet to a point; thence South parallel to the West boundary of said Military Trail 400 feet to a point; thence East parallel to the North boundary line of said Section 35 a distance of 400 feet to a point on the west boundary line of said Military Trail; thence North along said West boundary line of said Military Trail a distance of 400 feet to the place of beginning. More particularly described by the following:

Commencing at the N.E. corner of Section 35, Township 45 South, Range 42 East, Palm Beach County, Florida; thence with a bearing of South 00° 15' 41" East along the East line of the aforementioned Section 35, a distance of 400' to a point; thence with a bearing of S. 89° 17' 49" W., a distance of 60' to a Point of Beginning; thence continue along the preceding described course a distance of 400' to a point; thence with a bearing of N. 00° 15' 41" W., a distance of 55.00' to a point; thence with a bearing of N. 89° 17' 49" E., a distance of 400.00' to a point; thence with a bearing of S. 00° 15' 41" E., a distance of 55.00' more or less to the Point of Beginning.

Together with the following described easement for Ingress and Egress:

Commencing at the N.E. corner of Section 35, Township 45 South, Range 42 East, Palm Beach County, Florida; thence with a bearing of South 00° 15' 41" East, along the East line of the aforementioned Section 35, a distance of 400' to a point; thence with a bearing of S. 89° 17' 49" W., a distance of 60' to a Point of Beginning; thence with a bearing of N. 00° 15' 41" W., a distance of 20.00' to a point; thence with a bearing of N. 89° 17' 49" E., a distance of 27.00' to a point; thence with a bearing of S. 00° 15' 41" E., a distance of 20.00' to a point; thence with a bearing of S. 89° 17' 49" W., a distance of 27.00' more or less to the Point of Beginning.

All the above subject to easements and rights-of-way of record.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the Code of Laws and Ordinances

The provision of this Ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3187(1)(c), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolutions shall be sent to the Department of Community

Affairs, Bureau of Local Planning, 2740 Centerview Drive, Tallahassee, Florida 32399-2100.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 27th day of April, 1995.

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By _____
Vice-Chair

DOROTHY H. WILKEN, CLERK
Board of County Commissioners

By _____
DEPUTY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

_____
COUNTY ATTORNEY

Acknowledgement by the Department of State of the State of Florida, on this, the 9th day of May, 1995.

Acknowledgement from the Department of State received on the 12th day of May, 1995, at 3:50 P.M. and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the Board of County Commissioners certify this to be a true and correct copy of the original filed in my office on 4/27/95
DATED at West Palm Beach, FL on 5/23/95.
DOROTHY H. WILKEN, Clerk
By: _____ D.C.